The Electoral Bill.
Single Electorates and the Hare System.

The Attorney-General [A.I. Clark] moved the second reading of the Electoral Bill [in the House of Assembly]. He said the bill looked at first sight a very formidable one. It contained 200 sections, but upon perusal it would be found that only 25 of these sections were new, the remaining ones being existing law. Then out of those 25 there were about 12 which were only of a temporary nature, intended to cover the time which would elapse between the cessation of the present Act and the coming into operation of the bill now before the House. So that practically there were only a dozen sections in the bill. The real alteration to be effected in the present electoral system was contained in the schedule. At the present time the colony was divided into twenty districts, the majority returning one member, and eight returning two. The city of Hobart comprised three electorates, returning two members each, and the city of Launceston two electorates, returning two members each. There were also three rural districts, each returning two members. The schedule of the new bill divided the whole of the colony into single electorates, Hobart being one, and Launceston another. He exhibited a map showing the state of the colony under the new system, where the old electorates were marked in blue and the new in red, and it would be seen at a glance that the alteration was very slight. Now, with regard to the cities of Hobart and Launceston the Government did not want to make them single electorates returning the same number of members in the old way. The rural districts of Kingborough, Wellington, and East Devon would be single electorates returning one member each on the present system, but Hobart and Launceston would elect six and four members respectively under the system of proportional representation. He would like at the outset to refer to the manner in which the representation of that House was arranged some 25 or 30 years ago. Hobart then returned five members in a block and Launceston three. Every voter in Hobart had a right to vote for five candidates, and every voter in Launceston could vote for three. That arrangement was altered because of some very strong objections to it. In the first place, it gave much more political power in two places than in the other parts of the colony. A man in a rural district could only vote for one member, while a man in Hobart could vote for five and an elector in Launceston for three. Then again, under the old system in order to secure the success of their party men voted in a block on one ticket. The system now proposed would not bring either of those results. Hobart would be one electorate returning six members, but each voter could vote only for one man. This was arranged for by what was often called Hare's system, sometimes the proportional system, but what was properly called the single transferable vote. That term really described it. It meant that while each elector could vote for only one member he could transfer it according to circumstances. The system of election was proportional in that it only required a certain proportion of the electors to return a member, and when the member had once received that "quota" no more votes were counted for him. If any other ballot paper bore his name marked on it as No. 1, the vote was transferred to No. 2, and if No. 2 was already elected, it was passed on to No. 3 and so on. The voter could make in the order of his preference as many transfers as he liked, if his vote was not needed for No. 1. But in the final count his vote would return only one of the six that he might have marked. If the man of his choice was in a hopeless minority then it is also transferred, the principle being that no

vote should be lost. Every elector would vote for one member of the House and only one. The other objection to the old system was the running of a candidate on a certain ticket, and voting for him in a block. That could not be done under Hare's method. Three members could not be returned in a block. But it was not simply to remove the objections of the old system that the Government had proposed this bill. They proposed the new system on much broader grounds, and they hoped that the time would come when it would be extended to the other parts of the colony besides Hobart and Launceston. These cities presented a good field for an object lesson for the rest of the colony. With regard to single electorates in the new and sparsely populated places a member was needed to represent its local wants a post office, courts, roads, bridges, and schools—if they had five or six members the attention of those might be divided, and there might be local jealousy or dissatisfaction. But it would be seen at a glance that that would not apply to the cities of Hobart and Launceston. The interests of the people to East, West, and South Hobart were identical and possessed and used the institutions of the city in common. Public opinion was formed in the city by the communication and interchange of views between people living at all points and quarters, and the population ought not to be broken up into artificial districts if it could be avoided. But the great argument in favour of the new system was that it was the only system that gave real and perfect representative government. Representative government was supposed to be the action of the whole body of the people—"government of the people, by the people, and for the people;" but at present it was government by the party, or by the majority.

Captain Miles: And not always that.

The Attorney-General: No. Sometimes it was an absolute minority. It had happened over and over again that when there was a large number of candidates the representatives of a minority were returned to make laws for the rest of the people. Now the system of proportional representation provided for the representation of everybody —a single vote was not wasted. Let them take Hobart as an illustration of the system. There were about 1,200 electors for each district.

Mr. Mulcahy: About 1,600 electors.

Mr. Davies: No, about 1,400.

The Attorney-General: Well suppose 1,000 went to the poll, it was evident that 550 out of 1,000 could at present return two members in that district, and the remaining 450 might just as well have stayed at home, all the interest they having taken in the election being lost to them. When that happened in the three districts of the city, there were 1,350 electors who went to the poll whose votes would be thrown away, and that had continually happened in Victoria, a large proportion of the constituents were disfranchised on burning questions. It simply meant government by the majority for the majority. Under this proposed new system the single electorates were electorates formed voluntarily and spontaneously by the electors themselves, and with the recommendation that the representative of a single electorate was elected by a total number of all the electors. As it only required a quota of votes to return a member, whenever that number of electors chose to act together, having the same opinions and the same interests, they could return a member to represent them. Therefore in Hobart, presuming that the quota to return a member be 750 every 750 electors who thought alike on political matters could unite themselves together voluntarily and return a member—

Mr. Urquhart: - But there must not be more than two candidates of the same opinion.

The Attorney-General: That does not prevent them uniting as I have stated, and if there were six different political opinions held by the citizens of Hobart (there being six candidates to return) each of those sets of opinions with 750 votes would be represented in a returned member. The members were thus unanimously returned by the electorate so formed. He did not think he need go too much into detail till they got into committee—

Mr. Hartnoll: I have doubts about its working.

The Attorney-General was reminded of Columbus, who, when the people tried to make an egg stand on end and could not, broke the shell, and made it stand. He was greeted with - "Oh any fool can do that." So it was here -

Mr. Hartnoll: I thought it all very simple till you explained it on Monday night.

The Attorney-General: You were not there, but only read condensed reports. The system had been in operation most successfully in Denmark for 25 years in electing members to the second Chamber, and where it operated exactly as provided in the bill before the House, and the system was used in electing the Victorian Council of the University, and by the Victorian Church of England Assembly. It was a system by which an elector voted for one candidate, but with the right, if there be two or more candidates to transfer surplus votes to the next candidate. The elector put the figure 1 against the candidate he would like to see returned above all others. He then selected the name of the candidate whom he would like next best, provided the candidate of his first choice was elected without his vote, or could not be elected at all; he placed the figure 2 against that name, and so on in the third and fourth degree.

Mr. Hartnoll: Is he bound to vote for more than one?

The Attorney-General said that was provided for in sub-section 3 of section 102. The elector could vote in the alternative for as many as he liked, but must not strike out any names of candidates. The returning officer must not reject a ballot paper because less or more candidates were marked than were to be elected. The essence of the principle was that every vote should tell. It did no harm to mark more candidates than were to be elected. The only instance where plumping would be of any avail would be where there was a surplus for a candidate, and those surplus votes were plumpers; but it would not interfere with the candidate's election at all, or violate the system. To meet that difficulty (which would be a very rare one to occur) he had inserted a sub-section which provided that in that particular case the surplus votes which were plumpers should be specially marked by the returning officer. If however, the House thought it would be better to compel each elector to vote for a number of candidates or more than one—say, two or three—he would have no objection whatever—(Hear, hear.)—; but he inserted that sub-section expecting that there would be objections raised to compelling a voter to mark off the whole of the candidates on the voting paper excepting one—

Voices in favour of such a section.

The Attorney-General: If that be the opinion of the majority of the House he would be quite agreeable; but very rare indeed would the fours and fives on the paper require to be counted. Practically it would, he believed, be only the twos and threes, excepting under very special circumstances. Having heard that expression of opinion he would insert a clause that a man should vote for, at any rate, a certain number of candidates. With regard to the question of transfer of surplus votes, the principle of the

system was that only a certain number of votes were required to return a candidate, and it was arrived at by dividing the total number of votes polled by the number of persons to be elected. The theory was this, that supposing there were 3,000 electors each 500 of them had a right to choose one member, and the object of the system was to enable any 500 to agree on the same man. That was really the origin of the quota. There could be no doubt that in very many instances there would be one or two candidates that all the electors would favour, and from various reasons would, in all probability, have a larger number of electors in their favour than the quota. In every case of that kind the surplus number of votes would be transferred to the candidate whose name was marked on the same paper as No. 2. So that if they had a pile of 550 papers with the figure 1 marked opposite a candidate's name, they would have to take 50 off that pile and leave 500. The 500 was the quota, and they were to be laid on one side. Everyone of these papers had had the effect of helping to put in that particular candidate that every elector who put the figure 1 opposite his name desired to see in. Each one of these 500 had put in that one member, and was not asked or permitted to put in any more.

Mr. Dobson said that the electors only expressed their wishes as to one man.

The Attorney-General said the hon. member wanted to go back to the old system to which so many objections were raised, and under which a man living in Hobart had more voting power than a man living in the country. In Hobart he had the power of voting for five members, while a man residing at Longford or Cressy could only vote for one. The great difference between these single electorates was this, that under a system of single members only a majority could help to put in a man, while under this system the man was returned unanimously.

Mr. Dobson: How do you take out the ballot papers - at haphazard.

The Attorney-General: Yes. As the system had been generally expounded and worked, they simply took the 50 off the top. And as it had been hitherto worked it had an element of chance in it and it used to be thought that it was impossible to remove that element. He believed, however, that he had devised a system to remove it. (Hear, hear.) He put it into shape the previous night and the only objection one member had urged against it was that it would give the returning officer and his clerks a great deal of trouble. He did not think this would be the case; anyhow, it did not matter whether the returning officer had more work given to him if the system required it. Other objections had been put forward, but as was said in a morning journal, great difficulties had been raised in similar cases in the past which were got over, and the work was found to be as simple as shelling peas. After the first candidate was selected, they selected from the 50 papers over the name of the candidate having No. 2 opposite it in the same proportion as was done with the 500, and so on with the rest of the candidates. The surplus, after all, would be few in number. If they took Hobart, for example, and there were 12 candidates, there would not be more than two who had surplus votes, and the surplus in both these cases could not exceed 50 votes. Now if only one or two candidates had surplus votes, and 8, 9, or 10 candidates out of 12 had less than the quota, the question only arose how many candidates were to be elected. If they had this result, that the less number of candidates to be elected obtained the quota, they then eliminated from the list the candidate who was last on the poll and transferred the votes among the remaining candidates and kept on striking out the names and dividing the votes until the number of candidates was reduced to the number to be elected. In some cases one or two candidates

might obtain less than the quota, but with those cases it did not matter whether he obtained the quota or not, he would be a candidate. That was the system as it was proposed in that bill, and as it had been successfully worked in Denmark for 45 years—an intelligent community, who would have found defects if there had been any, and provided a remedy. The fundamental principle of the bill was that it would provide for representative government in its fullest and most perfect form. The system, of course, had its opponents, first of all those who did not perfectly understand it, and secondly those who thought their party or section would get more under the present system. The measure ought to be dealt with from the point of view of the elector not of the candidate. There was a consensus of opinion amongst some of the best minds in Europe and indeed all over the world in favour of the system. But he would only cite the enthusiastic and indeed emotional eulogy of John Stuart Mill, "the cold-blooded man," upon the subject. The Attorney-General then read from Mill's "Autobiography," a period panegyric of the Hare system, and afterwards went on to say that he hoped the House would do its duty, and give the system a trial in Hobart and Launceston. If it disappointed the people our laws were not unalterable like those of the Medes and Persians, and the old system could be reverted to. He had, however, every confidence that the system would yet be in operation throughout Tasmania, and give the people representative government in its full and most pure form. (Cheers)

Mr. Lewis hoped that provision would be made for electors to vote at the most convenient polling place—(Hear, hear)—and that the method of compiling the roll would be simplified, and the time consumed in preparing it shortened. It would not be practicable to divide the rural districts into large constituencies or to make Tasmania one electorate as was proposed in 1854. There were two objections to the Hare system—it allowed of plumping, and there was much of the element of chance in it. The rural districts were converted into single electorates in the best way under existing circumstances.

The Premier [Edward Braddon] reminded the House that the measure was a tentative one, which would operate till federation took place, when the State Parliament would be considerably reduced. How could plumping take place when the most that could be done was to supply a quota? And as to chance, a new clause had been drafted by the Attorney-General to meet the difficulty. It had been suggested that all claims to vote on the wages qualification should be referred to a Court of Revision for decision, but it would seem that that practice would prevent the claimant obtaining that due notice of objections to his claim that he now got. It would be preferable to have some sort of provision by which all on the roll under the wages qualification should be retained on the roll till objected to and struck off, and so not be required to see to it every year that their names were still on the roll. (Hear, hear.) Mr. Lewis also pointed out that it was desirable to provide that every voter should be allowed to vote at the nearest polling place, and as to that, as well as to provide for the case of an absent voter, the Attorney-General had drafted additional clauses which would be submitted in committee. (Hear, hear.)

Mr. Hartnoll believed that the Hare system of voting was based on the highest principle of fairness that could possibly exist, giving equal rights to all, and he believed that it was the desire of the Attorney-General, who had displayed his undoubted abilities in drafting this measure—(Hear, hear)—; but whether it was certain that the bill would

have that effect, he was a little doubtful. He agreed that it would be unwise to alter the present system of voting in the country electorates, believing that the existing one was the best system that could possibly be devised. There was evidently a strong feeling in the House for making adequate provision against plumping in this new system of voting—(cheers)—and he was glad the Attorney-General proposed to alter the bill in that direction. As to the proposals for counting the papers, too much altogether was left to chance as Mr. Lewis had said. It ought to be the true expression of the people's opinion, and nothing left to chance. (Hear, hear.) He thought there was much that was incomplete and unsatisfactory in the manner which the votes would come out of the ballot box, as No. 1 votes and No. 2 votes.

Mr. Fenton: You don't understand the system.

Mr. Hartnoll felt that the House will require to look very keenly to it that no injustice would be done under this proposed new system of voting, for the two cities.

Mr. Fenton said Mr. Hartnoll seemed to think that 500 electors voting for No. 2 might as well stop at home as come to the poll. If there were only that class of supporters, he would not call them supporters. (laughter.) He could not see how the system afforded representation to the minority in the manner claimed. As to the wages qualification, he did not believe in it.

Mr. Urquhart thought Mr. Hartnoll misunderstood the Attorney-General's explanation. Under the Hare system each man had one vote for one candidate, and no more, and when each candidate obtained his quota any surplus papers were transferred. (The Premier: Hear, hear.) No elector could help to more or less put in say, six candidates. He did not think, however, that the Attorney-General fully understood the bill in regard to the element of chance that might be introduced. He might, if he did not take care, intensify the present evil, notably in single electorates. Before he supported this new system he wanted more information. What if all the voters were given one candidate?

Mr. Dobson: That's an anachronism.

Mr. Urquhart: The Attorney-General has not given us an illustration of a election where all the candidates are under the quota.

The Attorney-General: Yes; I said that is possible but not very probable.

Mr. Urquhart: Suppose there are 12 candidates for 6 seats and each poll 250—

The Attorney-General: Oh, that's a lunatic asylum idea. (Laughter.)

Mr. Urquhart: Then I am glad I have got you under my charge. (More laughter).

The Attorney-General: Oh, go on.

Mr. Urquhart: Then assume there are 20 candidates for 6 seats, and the maximum to be 300. How could you get your quota there?

The Attorney-General: It's all in the bill.

Mr. Urquhart asked when each candidate received the same number of ones what was the Attorney-General going to do then?

The Attorney-General: What do you do now when two men are equal?

Mr. Urquhart said another objection he had to the measure was that under it a man who was known had a much better chance of being elected that the man who was comparatively unknown.

Mr. Mulcahy: You want to read up the system.

Mr. Urquhart maintained that the known man had every show against the unknown. The measure required a lot of consideration, and when it had got into committee he would have to be much more satisfied with it than he was at present before it met with his approval.

Mr. Mulcahy was a supporter of the principle, not because, as Mr. Hartnoll thought, he regarded his election as more certain under this bill than under the present law.

Mr. Hartnoll: You will get the vote, I said.

Mr. Mulcahy supported the bill on broad public grounds, and on the principle that it would give better reflex of public opinion than was obtained under the present system. Various objections had been offered to the measure, but it seemed to him that if they could prove that the Hare system was better than the present system, although not perfect, they had very good ground to go upon. In reference to what had been said about chance, he pointed to the element of chance that obtained under the present system, either in double or single electorates, where a man was often elected who represented not the majority but, in cases, the absolute minority of the electors. They had got over that difficulty somewhat in Queensland by the adoption of the contingent vote, providing for an absolute majority of the vote cast.

The Attorney-General: That is in the bill—part of the system.

Mr. Mulcahy was aware of that. He believed they would get better representation under the bill than they had at present.

Mr. Woollnough thought the new clauses dealt with subjects that were very well worthy of legislation, as they gave to the vote of each elector its proper weight, which was not done under the present system. No doubt, in carrying out the measure difficulties would arise, but he believed these could be all overcome. He noted that there was not much room for informal papers under the bill; but there was one (words obscured) proposal, and that was the element of chance in regard to the use of the surplus voting papers. The bill gave greater security than the present system to the sitting member, and he held that the sitting member had a right to this as long as he did his duty.

Mr. Hamilton denied that any interjection he had made during Mr. Clark's speech indicated opposition to the Hare system, though he had doubts and objections to the element of chance that he thought was associated with it. Still he would accept the system, even with such faults, and prefer it then to the present law for the benefits it would confer upon the country. He hoped unnecessary travelling might in future be avoided in regard to elections, and that the rolls might be perpetuated in some way without being recommenced afresh over and over again.

Mr. Crisp asked for the reason for the change? Did the citizens of Hobart and Launceston want it? If they must have Hare's system let it be applied to the whole of the colony in one large electorate. Let the country electorates also have a taste of it. He was not afraid for himself, though having been elected by the electors of North Hobart he would like to go back to them and return them their trust before he consented to any alteration. Was the Attorney-General afraid to go back to his constituents. (Laughter.) Was that why he wanted to try the whole city as an electorate. (Renewed laughter.) Was the Treasurer in the same plight? It looked very much like it, (Roars of merriment.) He himself believed in the bridge that had carried him safely over, and he meant to stick to it. (Cheers.) This was only an attempt on the part of the Attorney-General; more of his

fancy legislation, and they must take it for what it was worth. In committee, if he had his way, he would make very short work indeed of the bill. (Cheers and laughter.)

The Attorney-General said he did not intend to say more than a word or two in reply, as he meant to deal fully with the objections in committee, and when he hoped—indeed, he might say he felt confident—that he would be able to remove the doubts and objections now existing in the minds of members.

The second reading was agreed to on the voices, and formal progress was made in committee.

Source: The Mercury, 13 August 1896.